

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT ALLEN	:	CIVIL ACTION
v.	:	
JAMES WYDNER, et al	:	NO. 06-4299

ORDER

AND NOW, this 10th day of June, 2008, upon consideration of the motion for relief from judgment or Order pursuant to Federal Rule of Civil Procedure 60(b) filed by petitioner, the response thereto and after review of the Report and Recommendation (“R&R”) of United States Magistrate Judge Arnold C. Rapoport dated May 16, 2008, it is ORDERED:

1. The R&R is APPROVED and ADOPTED.
2. The motion for relief from judgment or Order pursuant to Federal Rule of Civil Procedure 60(b) is DENIED and
3. There is no probable cause to issue a certificate of appealability.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.